IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

Bail Appl..No. 1927 of 2007()

Crime No.170/2007 of Nilambur Police Station

: PETITIONERS/ACCUSED

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1. SATHAB, S/O.SHOUKATHALI,
   THEKKIL HOUSE, MANALODY, NILAMBUR,
   MALAPPURAM DISTRICT.

2. RIJAS, S/O.ABOOBACKER,
   PARAYANTHODIKA HOUSE, PADIKKUNNU,
   NILAMBUR, MALAPPURAM DISTRICT.

3. ANEESH, S/O.ABOOBACKER,
   PALAKKUNDAN HOUSE, PADIKKUNNU,
   NILAMBUR, MALAPPURAM DISTRICT.

4. MANOJ.V.M., S/O.MANOHARAN,
   VALIYAMADATHIL HOUSE, MANALODY,
   NILAMBUR, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE AND COMPLAINANT

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1. THE STATE OF KERALA, REPRESENTED
   BY THE SUB INSPECTOR OF POLICE, NILAMBUR
   POLICE STATION THROUGH THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.

2. FEBIN, S/O.CHANDRAN,
   CHEMBANEZHATH HOUSE, VALAPPAD, THRISSUR DISTRICT.

3. ANEESH, S/O.CHAMI,
   ANGARINGAD HOUSE, THACHANGAD P.O.,
   PALAKKAD DISTRICT.

4. MANJUSH, S/O.RAJAN, KUDILINGAL HOUSE,
   KAIPPAMANGALAM, THRISSUR DISTRICT.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE
SMT.M.T.SHEEBA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1927 OF 2007 A

Dated this the 2nd day of April, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioners, who are accused Nos.1 to 4 in Crime No.170/2007 of Nilambur Police Station for offences punishable under Secs.143, 147, 148, 447, 323, 324 and 308 read with section 149 I.P.C., seek anticipatory bail.

2. The incident is alleged to have taken place in a bar hotel by name Park Residency at Nilambur on 17.3.2007 when respondents 2 to 4 herein, who are the employees of the bar hotel, refused liquor to the petitioners after 10.15 p.m. A clash is alleged to have taken place between them.

3. Respondents 2 to 4 have entered appearance through counsel and have submitted that the matter has since been settled between the parties as evidenced by Annexure-A statement signed by all the parties. In the light of the settlement, I am sure that the police may not proceed with the complaint. At any rate, since no concrete steps are forthcoming so far to refer the case, I am inclined to grant anticipatory bail to the petitioners, whose apprehension appear to be well founded. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the petitioners on bail for a

period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

a. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

c. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

d. Petitioners shall not commit any offence while on bail.

e. Petitioners shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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